

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA

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VS.

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MAGISTRATE ACTION NO. C-11-448

JUAN PEDRO BECERRA

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MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL

A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The following requires detention of the defendant pending trial in this case:

(1) There is probable cause to believe the defendant committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 841(b)(1)(A); and

(2) The defendant has not rebutted the presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

The evidence against the defendant meets the probable cause standard. The findings and conclusions contained in the Pretrial Services Report and addendum, supplemented by the testimony of the case agent and the proffered testimony of the defense witnesses, are adopted as the court's own. This case involves almost 2,000 kilograms of marihuana. The defendant is a regular cocaine user. Although he is a citizen of the United States without any criminal history, he has numerous relatives in Mexico and he travels there frequently. The defendant's family, while numerous and

very supportive, does not have non-exempt assets available to secure a bond. Finally, the commission of the offense involved a disregard for the safety of others, as the marihuana was transported in a tanker full of hazardous chemicals, putting in danger all who came into contact with it.

The defendant is committed to the custody of the United States Marshal or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 5th day of April, 2011.



B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE